



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,087	09/25/2003	Scott E. Sampson	51763/3	6319
7590 STOEL RIVES LLP One Utah Center 201 South Main Street, Suite 1100 Salt Lake City, UT 84111				
03/09/2010				
EXAMINER				
OYEBISI, OJO O				
ART UNIT		PAPER NUMBER		
3695				
MAIL DATE		DELIVERY MODE		
03/09/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,087

Applicant(s)

SAMPSON, SCOTT E.

Examiner

OJO O. OYEBISI

Art Unit

3695

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 31-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 31-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 and 31-43 are rejected under 35 U.S.C. 102(e) as being anticipated by McCoy et al (McCoy hereinafter, U.S Pub No.: 2001/0037311).

Re claims 1, 2. McCoy discloses a method comprising: an account holder creating and associating a plurality of tokens with a financial account by recording the plurality of tokens in an electronic token log, which electronic token log is accessible by a computing device of an institution that is responsible for authorizing one or more transactions involving the account; and the account holder initiating a transaction involving the financial account by providing one of the tokens previously recorded in the electronic token log and an indication of the account to a vendor, wherein the vendor is to provide the token, the indication of the account, and information about the transaction to the computing device of the authorizing institution, which authorizing institution's computing device provides the vendor with transaction authorization based on the token being found to exist in the token log, wherein the vendor contacts the computing device of the authorizing institution through a communication channel that is distinct from a

communication channel by which the plurality of tokens are recorded in the electronic token log (see paras 0020 and paras 0067)

Re claims 3, 4. McCoy further discloses a method comprising: an account holder creating and associating a token with one or more conditions in an electronic token log that is accessible by the computing device of an institution that is responsible for authorizing one or more transactions involving a financial account; and the account holder initiating a transaction involving the financial account by providing the token and an indication of the account to a vendor, wherein the vendor is to provide the token, the indication of the account, and information about the transaction to the computing device of the institution responsible for authorizing that transaction, which authorizing institution's computing device provides the vendor with transaction authorization based on the one or more conditions associated with the token in the token log being satisfied, wherein the vendor contacts the computing device of the authorizing institution through a communication channel that is distinct from a communication channel by which the plurality of tokens- is recorded in the electronic token log (see paras 0020 and paras 0067).

Re claims 5, 6-28. McCoy further discloses a method comprising receiving from an account holder an indication of one or more conditions for completing one or more transactions; creating and associating a token with the one or more conditions in an electronic token log that is accessible by the computing device of an institution that is responsible for authorizing one or more transactions involving a financial account; and

the account holder initiating a transaction involving the financial account by providing the token and an indication of the account to a vendor, wherein the vendor is to provide the token, the indication of the account, and information about the transaction to the computing device of the institution responsible for authorizing that transaction, which authorizing institution's computing device provides the vendor with transaction authorization based on the one or more conditions associated with the token in the token log being satisfied, wherein the vendor contacts the computing device of the authorizing institution through a communication channel that is distinct from a communication channel by which the plurality of tokens is recorded in the electronic token log (see paras 0020 and paras 0067).

Re claims 31, 32-43. McCoy further discloses an electronic computing system comprising: a token creator to enter and store one or more tokens in a computer memory for an account holder; a token log to associate in the computer memory specific tokens with specific conditions under which specific financial transactions will be valid; and a token access sub-system to make one or more tokens available to the account holder for distribution to one or more vendors involved in transactions pertaining to an account of the account holder, wherein each vendor is to provide a specific token, an indication of the account, and information about a transaction to an institution responsible for authorizing one or more transactions involving the account, which institution looks up the specific token in the token log and authorizes each vendor to complete each vendor's transaction responsive to the specific conditions associated with each specific token in the

token log being satisfied, wherein the institution looks up the specific token in the token log through a communication channel that is distinct from a communication channel by which the institution is provided with the token, the indication of the account, and information about the transaction (see paras 0020 and paras 0067).

Response to Arguments

Applicant's arguments filed 12/15/09 have been fully considered but they are not persuasive. The applicant argues in substance that the prior art of record fails to disclose "a method comprising: an account holder creating and associating a plurality of tokens with a financial account by recording the plurality of tokens in an electronic token log, which electronic token log is accessible by a computing device of an institution that is responsible for authorizing one or more transactions involving the account;" Contrary to the applicant's assertion, McCoy teaches the creation of tokens (see paras 0022), and the token being recorded in a spent coin database. While it is true that, in McCoy, the financial institution device does not provide the vendor with transaction authorization, however the payment agent provides the vendor with transaction authorization (see fig.5b elements 83). Thus the payment agent, as taught by McCoy, is found to be akin to the authorizing institution as taught by the applicant. The examiner contends that the phrase "authorizing institution," as currently recited by the applicant, is too broad. In the subsequent amendment to the independent claims, the applicant is advised to replace the recitation of "authorizing institution," with "financial institution." This would further limit the claim and overcome the teachings of McCoy, passing the application for allowance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/
Primary Examiner, Art Unit 3696